

106TH CONGRESS  
2D SESSION

# S. 3230

To reauthorize the authority for the Secretary of Agriculture to pay costs associated with removal of commodities that pose a health or safety risk and to make adjustments to certain child nutrition programs.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 24 (legislative day, SEPTEMBER 22), 2000

Mr. LUGAR (for himself and Mr. HARKIN) introduced the following bill; which was read twice, considered, read the third time, and passed

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## A BILL

To reauthorize the authority for the Secretary of Agriculture to pay costs associated with removal of commodities that pose a health or safety risk and to make adjustments to certain child nutrition programs.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PAYMENT OF COSTS ASSOCIATED WITH RE-**  
4 **MOVAL OF COMMODITIES THAT POSE A**  
5 **HEALTH OR SAFETY RISK.**

6 Section 15(e) of the Commodity Distribution Reform  
7 Act and WIC Amendments of 1987 (7 U.S.C. 612c note;

1 Public Law 100–237) is amended by striking “2000” and  
 2 inserting “2003”.

3 **SEC. 2. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM**  
 4 **FOR WOMEN, INFANTS, AND CHILDREN.**

5 (a) COST-OF-LIVING ALLOWANCES FOR MEMBERS OF  
 6 UNIFORMED SERVICES.—Section 17(d)(2)(B)(ii) of the  
 7 Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)(B)(ii))  
 8 is amended by striking “continental” and inserting “con-  
 9 tiguous States of the”.

10 (b) DEMONSTRATION PROJECT.—Effective October  
 11 1, 2000, section 17(r)(1) of the Child Nutrition Act of  
 12 1966 (42 U.S.C. 1786(r)(1)) is amended by striking “at  
 13 least 20 local agencies” and inserting “not more than 20  
 14 local agencies”.

15 **SEC. 3. CHILD AND ADULT CARE FOOD PROGRAM.**

16 (a) TECHNICAL AMENDMENTS.—Section 17 of the  
 17 Richard B. Russell National School Lunch Act (42 U.S.C.  
 18 1766) is amended—

19 (1) by striking the section heading and all that  
 20 follows through “SEC. 17.” and inserting the fol-  
 21 lowing:

22 **“SEC. 17. CHILD AND ADULT CARE FOOD PROGRAM.”;**

23 and

24 (2) in subsection (a)(6)(C)(ii), by striking  
 25 “and” at the end.

1 (b) EXCEPTIONS TO HEARING REQUIREMENTS.—  
 2 Section 17(d)(5)(D) of the Richard B. Russell National  
 3 School Lunch Act (42 U.S.C. 1766(d)(5)(D)) is  
 4 amended—

5 (1) by striking “(D) HEARING.—An institu-  
 6 tion” and inserting the following:

7 “(D) HEARING.—

8 “(i) IN GENERAL.—Except as pro-  
 9 vided in clause (ii), an institution”; and

10 (2) by adding at the end the following:

11 “(ii) EXCEPTION FOR FALSE OR  
 12 FRAUDULENT CLAIMS.—

13 “(I) IN GENERAL.—If a State  
 14 agency determines that an institution  
 15 has knowingly submitted a false or  
 16 fraudulent claim for reimbursement,  
 17 the State agency may suspend the  
 18 participation of the institution in the  
 19 program in accordance with this  
 20 clause.

21 “(II) REQUIREMENT FOR RE-  
 22 VIEW.—Prior to any determination to  
 23 suspend participation of an institution  
 24 under subclause (I), the State agency  
 25 shall provide for an independent re-

1 view of the proposed suspension in ac-  
2 cordance with subclause (III).

3 “(III) REVIEW PROCEDURE.—

4 The review shall—

5 “(aa) be conducted by an  
6 independent and impartial official  
7 other than, and not accountable  
8 to, any person involved in the de-  
9 termination to suspend the insti-  
10 tution;

11 “(bb) provide the State  
12 agency and the institution the  
13 right to submit written docu-  
14 mentation relating to the suspen-  
15 sion, including State agency doc-  
16 umentation of the alleged false or  
17 fraudulent claim for reimburse-  
18 ment and the response of the in-  
19 stitution to the documentation;

20 “(cc) require the reviewing  
21 official to determine, based on  
22 the review, whether the State  
23 agency has established, based on  
24 a preponderance of the evidence,  
25 that the institution has know-

1 ingly submitted a false or fraudulent  
 2 claim for reimbursement;

3 “(dd) require the suspension  
 4 to be in effect for not more than  
 5 120 calendar days after the institution  
 6 has received notification of  
 7 a determination of suspension in  
 8 accordance with this clause; and

9 “(ee) require the State agency  
 10 during the suspension to ensure  
 11 that payments continue to  
 12 be made to sponsored centers  
 13 and family and group day care  
 14 homes meeting the requirements  
 15 of the program.

16 “(IV) HEARING.—A State agency  
 17 shall provide an institution that  
 18 has been suspended from participation  
 19 in the program under this clause an  
 20 opportunity for a fair hearing on the  
 21 suspension conducted in accordance  
 22 with subsection (e)(1).”.

23 (c) STATEWIDE DEMONSTRATION PROJECTS INVOLV-  
 24 ING PRIVATE FOR-PROFIT ORGANIZATIONS PROVIDING  
 25 NONRESIDENTIAL DAY CARE SERVICES.—Section

1 17(p)(3)(C) of the Richard B. Russell National School  
2 Lunch Act (42 U.S.C. 1766(p)(3)(C)) is amended—

3 (1) in clause (iii), by striking “all families” and  
4 inserting “all low-income families”; and

5 (2) in clause (iv), by striking “made” and in-  
6 serting “reported for fiscal year 1998”.

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